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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,660	12/06/2001	Richard Murray	018501-000711US	5788
27194	7590	03/24/2004	EXAMINER	
HOWREY SIMON ARNOLD & WHITE, LLP			NICKOL, GARY B	
BOX 34			ART UNIT	
301 RAVENSWOOD AVE.			PAPER NUMBER	
MENLO PARK, CA 94025			1642	

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Election/Restrictions

The amendments filed on 1/21/04 are not readable on the elected invention for the following reason:

The originally elected invention was drawn to a method of detecting an angiogenesis-associated transcript comprising contacting a biological sample with a polynucleotide that selectively hybridized to a sequence at least 80% identical to SEQ ID NO:41.

Newly amended Claim 1 is now drawn to determining the expression of a gene “encoding an amino acid sequence of SEQ ID NO:41”. However, according to Applicant’s originally filed sequence listing, SEQ ID NO:41 comprises polynucleotides, not amino acids.

Thus, Applicants have effectively cancelled all claims drawn to the elected invention and presented new claims drawn to a non-elected invention, which is non-responsive (MPEP § 821.03).

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary B. Nickol Ph.D. whose telephone number is 571-272-0835. The examiner can normally be reached on M-Th, 8:30-5:30; alternate Fri., 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary B. Nickol Ph.D.
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Art Unit 1642

GBN
March 19, 2004



GARY NICKOL
PRIMARY EXAMINER